

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

Rudy Burgos-Hernandez

Date of Original Judgment: 07/20/2023

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

Case No: 22cr133

USM No: 86857-509

John Leo Russo

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

At sentencing, the Court determined that the defendant's offense level was 18, criminal history category was I, and the original Guideline Sentencing Range was 27 to 33 months. The revised Sentencing Guideline Range after applying the two-level downward adjustment in Section 4C1.1 is 21 to 27 months. Because the defendant was sentenced to 17 months' imprisonment, no reduction is authorized.

Except as otherwise provided, all provisions of the judgment dated 07/20/2023 shall remain in effect.

IT IS SO ORDERED.

Order Date:

3/12/24

Effective Date:

(if different from order date)

Judge's signature

Printed name and title

JOHN G. KOEHL, U.S.D.J.